

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rafael VEGA-Lopez

Defendant.

Magistrate Case No. 08 MJ 0537

COMPLAINT FOR VIOLATION OF

BY: [Signature]

DEPUTY

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **February 23, 2008**, within the Southern District of California, **Rafael VEGA-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **25<sup>TH</sup>** DAY OF **FEBRUARY, 2008**.

[Signature]  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

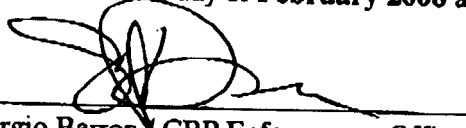
On February 23, 2008, at approximately 0250 hours, a male individual later identified as **Rafael VEGA-Lopez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry through the vehicle primary lanes. A Customs and Border Protection (CBP) Officer referred a 1995 Honda Accord driven by Jorge Rodriguez-Gil to secondary as a possible stolen vehicle.

In secondary, an inspection of the vehicle revealed Defendant and three persons concealed in the trunk of the vehicle. All vehicle occupants were determined to be undocumented aliens attempting to illegally enter the United States.

Defendant was queried by fingerprint and photograph through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. Immigration service records indicate Defendant was deported from the United States by an immigration judge on or about January 13, 2003. Immigration service records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Executed on this 23<sup>rd</sup> day of February 2008 at 1100 hours.

  
Sergio Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on February 23, 2008 in violation of Title 8, United States Code, Section 1326.

  
MAGISTRATE JUDGE

2-23-08 @ 11:35 AM  
DATE / TIME